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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,236	11/26/2003	Chun Hsien Lin	TS02-992	9176
42717	7590	09/22/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			WILSON, LEE D	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,236

Applicant(s)

LIN ET AL.

Examiner

LEE D. WILSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 27-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-26 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-26 in the reply filed on 7/8/05 is acknowledged. The traversal is on the ground(s) that the claims are not distinct and that they are single concept invention. This is not found persuasive because the applicant did not show where the Restriction Election was in correct in regard to the differences cited in between the two groups. To say they are not distinct is adequate because are the grounds of the Restriction incorrect. .

The requirement is still deemed proper and is therefore made **FINAL**.

Specification

2. The disclosure is objected to because of the following informalities: page 1 of the specification has two blanks that need to filled in. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. Claims 1-12 and 18-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following phrases are vague, indefinite, confusingly and awkwardly worded:

i. "or" in claim 1, lines 10,11, and 13-14. The limitation are either being claimed or not because it confusingly worded to have multiple list and some limitations are clearly recited and other are not.

- ii. "or" in claim 8, line 2; claim 9, lines 1-2. The limitation are either being claimed or not because it confusingly worded to have
- iii. "steps (b)-(e)" in claim 11, line 1. These limitation have to be positively recited and not inferentially claimed in this manner.
- iv. "steps (e)" in claim 12, line 1. These limitation have to be positively recited and not inferentially claimed in this manner.
- v. Claim 16, line 2. The "(1/cross-sectional area)" the parenthesis need to be removed so that the limitations are positively recited.
- vi. "steps (b)" in claim 18, line 1. These limitation have to be positively recited and not inferentially claimed in this manner.
- vii. "steps (c)" in claim 19, line 5. These limitation have to be positively recited and not inferentially claimed in this manner.
- viii. "steps (b)-(e)" in claim 24, line 1. These limitation have to be positively recited and not inferentially claimed in this manner.
- ix. "steps (c)-(e)" in claim 25, line 3. These limitation have to be positively recited and not inferentially claimed in this manner.
- x. "steps (e)" in claim 25, line 4. These limitation have to be positively recited and not inferentially claimed in this manner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 11, 13-15, 24 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Toprac (6884147).

Toprac is disclosing the same process which may not have the same equation but shows the same final results. The equational process is being read as a way of producing the process without all of the hard equations .

4. Claims 1-3, 5, 11, 13-15, 24 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Williams (6594542).

Williams is disclosing the same process which may not have the same equation but shows the same final results. The equational process is being read as a way of producing the process without all of the hard equations .

5. Claims 1-3, 5, 11, 13-15, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Meikle et al (5655951).

Meikle et al are disclosing the same process which may not have the same equation but shows the same final results. The equational process is being read as a way of producing the process without all of the hard equations .

Allowable Subject Matter

6. Claims 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 4, 6-10, 12, 17-23, and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lin et al disclose the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

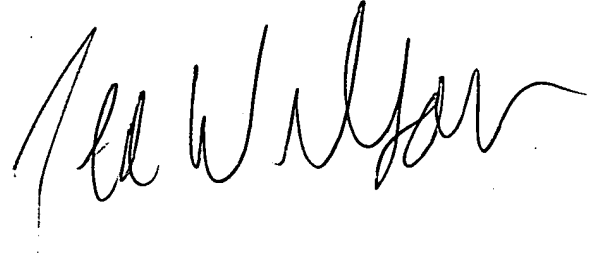
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 16, 2005

A handwritten signature in black ink, appearing to read "Lee D. Wilson". The signature is fluid and cursive, with a long horizontal stroke at the end.

**LEE D. WILSON
PRIMARY EXAMINER**